

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 GREGORY ANTHONY POWELL, No. C 09-02688 SBA (PR)  
4 Petitioner, ORDER OF TRANSFE  
5 v.  
6 D. K. SISTO, Warden,  
7 Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. He has filed a motion for leave to proceed in forma pauperis.

11       Federal statute allows "the Supreme Court, any justice thereof, the district courts and any  
12      circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C.  
13      § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the  
14      judgment and sentence of a state court is properly filed in either the district of confinement or the  
15      district of conviction. Id. § 2241(d). Where a case is filed in the wrong venue, the district court has  
16      the discretion to transfer it to the proper federal court "in the interest of justice." See 28 U.S.C.  
17      § 1406(a).

18 Here, Petitioner challenges a conviction and sentence incurred in the Solano County Superior  
19 Court, which is in the venue of the Eastern District of California. See 28 U.S.C. § 84. Accordingly,  
20 that is the proper venue for this action.

21 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the  
22 Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court  
23 for the Eastern District of California.

24 All remaining motions are TERMINATED on this Court's docket as no longer pending in  
25 this district.

IT IS SO ORDERED.

27 | DATED: 6/29/09

Saundra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 GREGORY ANTHONY POWELL,

5 Plaintiff,

6 v.

7 D K SISTO et al,

8 Defendant.

Case Number: CV09-02688 SBA

9  
10 **CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on June 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
16 located in the Clerk's office.

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Gregory Anthony Powell P96552  
California State Prison - Solano  
P.O. Box 4000  
Vacaville, CA 95696-4000

Dated: June 30, 2009

Richard W. Wiking, Clerk  
By: LISA R CLARK, Deputy Clerk